

## **REMARKS/ARGUMENTS**

### **Status of Claims**

Claims 1-23 and 25-27 are pending in this application. Claim 24 has been previously cancelled.

Claims 1-4, 9-13, 18-22 and 25-27 stand rejected. Claims 1, 10 and 20 have been amended by this response.

Claims 5-8, 14-17 and 23 have been allowed.

### **Claim Rejections – 35 U.S.C. 103**

The Examiner rejects claims 1-4, 9-12, 18 and 20-21 under 35 U.S.C. 103(a) as being unpatentable over Ericsson, Motorola, Siemens, Nokia Technical Specification (Push to Talk over Cellular (PoC); User Requirements; PoC Release 1.0; User Requirements V 1.1.1 (2003-10) (“Ericsson”) in view of U.S. 5,872,840 (“Wu”). In response, Applicant submits that the claims as amended are patentable over Ericsson and Wu for reasons detailed below.

The claims as amended define how DnD functionality can be selectively overridden based on the priority of the talk request. More specifically, claim 1 as amended defines how DnD functionality can be selectively overridden “based on an ignoreDnD attribute for the user device applied to the priority of the talk request.” For example, the present application teaches on page 13, lines 24-30 that if the talk request is of urgent priority *and* the ignoreDnD attributes indicates that urgent priority calls are to override the DnD functionality, then the DnD functionality is overridden. In this example the DnD functionality is overridden for urgent priority calls.

The Examiner concedes that “Ericsson does not explicitly show that selectively and automatically overriding DnD functionality for the requested walkie-talkie-like communications session based on an ignoreDnD attribute for the user device applied to a criterion or condition of the talk request other than a user device identifier.” On this basis, the Examiner should appreciate that Ericsson similarly fails to teach how DnD functionality can be selectively overridden based on the priority of the talk request.

Wu teaches in the Abstract that “in case the number of call setups attempted by the calling party subscriber within a predefined time period reaches a certain threshold level, an incoming call connection is effectuated toward the otherwise restricted called party subscriber. As a result, even if the called party subscriber has a do not disturb (DND) call barring subscriber feature activated, emergency or urgent calls repeatedly made toward the called party subscriber are allowed to be terminated thereto.” Therefore, whilst calls are allowed to override DnD functionality, this is done only after repeated calling. Unfortunately, this means that during an emergency the caller is burden with having to make repeated call attempts, which is inconvenient and can occupy valuable time.

By contrast, Applicant’s approach does not require the caller to make repeated call attempts. This is because Applicant’s call request has a priority associated therewith for comparison against an ignoreDnD attribute. More specifically, DnD functionality can be selectively overridden “based on an ignoreDnD attribute for the user device applied to the priority of the talk request” as recited in claim 1 as amended. Therefore, DnD functionality can be overridden with only one call request.

Furthermore, Applicant’s approach allows for additional functionality not provided by Wu. In particular, depending on how the ignoreDnD attribute is set, any call might override DnD functionality. For example, the present application teaches on page 15, lines 12-14 that “if a user wishes always to ignore DnD functionality, the ignore reason list [of the ignoreDnD attribute] is set to contain every possible criteria of a talk request.” Conversely, depending on how the ignoreDnD attribute is set, an urgent priority call might not override DnD functionality. For example, the present application teaches on page 15, lines 14-16 that “if the user wanted not to be disturbed by any call, the list [of the ignoreDnD attribute] would contain no possible status for any talk request.”

Wu does not archive this additional functionality, as Wu instead relies on the caller to make repeated call attempts in order to override DnD functionality. There is no provision in Wu for deciphering a priority of a talk request, and there is no comparison of such priority to an ignoreDnD attribute. Even when multiple call attempts are placed, there is no determination of priority. Rather, DnD functionality is overridden without any determination of priority. This

means that there is no provision to stop solicitors from being connected after multiple call attempts. Likewise, an important person wishing to make a call without knowing that multiple call attempts are needed for overriding DnD functionality may be unable to connect a call.

Seeing as though both Ericsson and Wu fail to teach how DnD functionality can be selectively overridden “based on an ignoreDnD attribute for the user device applied to the priority of the talk request” as recited in claim 1 as amended, Applicant submits that claim 1 as amended cannot be obvious in view of Ericsson and Wu.

Applicant submits that claims 2-4, 9-12 and 18 cannot be obvious in view of Ericsson and Wu for at least the reasons provided above for claim 1.

Claim 20 is also concerned with a priority of a talk request. Therefore, many of the arguments presented above for claim 1 similarly apply to claim 20.

Furthermore, claim 20 recites “a user interface adapted to accept an external input to modify an ignoreDnD attribute for the user device, the ignoreDnD attribute concerning a priority of a talk request.” The effect is that the ignoreDnD attribute for the user device can be manipulated in order to change reasons to override DnD functionality. This has been described above with reference to claim 1. As noted above, Wu does not achieve this effect.

Applicant appreciates that Wu teaches a “predefined threshold level” that the number of calls within a time period must reach before overriding DnD functionality. However, this is not an ignoreDnD attribute, and certainly not one that is manipulated. Rather, the threshold level is “predefined”, and Wu provides no hint or suggestion that it can be manipulated through a user interface.

For at least these reasons, Applicant submits that claim 20 as amended cannot be obvious in view of Ericsson and Wu.

Applicant submits that claim 21 cannot be obvious in view of Ericsson and Wu for at least the reasons provided above for claim 20.

In view of the foregoing, the Examiner is respectfully requested to reconsider and withdraw the rejection of claims 1-4, 9-12, 18 and 20-21 under 35 U.S.C. 103(a). Applicant expressly reserves the right to submit additional arguments for any one or more of the rejected claims at a later time.

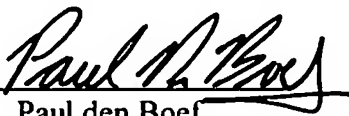
The Examiner rejects claims 13, 19, 22 and 25-27 under 35 U.S.C. 103(a) as being unpatentable over Ericsson in view of Wu and in further view of additional cited art. The rejection of these claims relies on the rejection of their respective independent claims. Seeing as though the rejection of the independent claims should be withdrawn, the Examiner is respectfully requested to similarly withdraw the rejection of claims 13, 19, 22 and 25-27 under 35 U.S.C. 103(a). Applicant expressly reserves the right to submit additional arguments for any one or more of the rejected claims at a later time.

## Conclusion

In view of the foregoing, Applicant respectfully submits that the present application is in condition for allowance. Therefore, issuance of a Notice of Allowance in a timely manner is requested.

Respectfully submitted,

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PDB:mcg:kmb  
Encl.